



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,707	04/13/2001	Anthony Armenta	B4746.0001/P001	4990

24998 7590 09/16/2004

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
2101 L STREET NW
WASHINGTON, DC 20037-1526

EXAMINER

CHANG, SUNRAY

ART UNIT	PAPER NUMBER
----------	--------------

2121

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,707

Applicant(s)

ARMENTA ET AL.

Examiner

Sunray Chang

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1 – 25 are presented for examination.

Claims 1 – 25 are rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1 – 25 are rejected** under 35 U.S.C. 102(e) as being anticipated by Rick W.

Landsman (U.S. Patent No. 6,785,659, and referred to as Landsman hereinafter).

3. **Regarding independent claim 1**, Landsman teaches,

- An article of manufacture [20, Fig. 1B] having stored an executable program [agent, Col. 10, Line 1] operative to effectuate notification [subsequently plays those media files] to a user by content owners [ad management system]. [Col. 10, Line 3 – 9]

- (a) Receiving input selection information [user click-stream] corresponding to selected individual content owners [across different web pages] of interest to the user [user navigation]. [Col. 9, Line 58 – 61];

- (b) Receiving a notification of content to be viewed from at least one selected content owner [downloads advertising files (media, and, where necessary, player files), originating from an ad management system residing on a third-party advertising HTTP (web) server, Col. 10, Line 3 – 6];
- (c) Presenting the notification [displaying advertisements through the browser, Col. 9, Line 59] received in said receiving step (b) to the user; and
- (d) Initiating access to at least one destination upon user activation [the browser is waiting for user input, Col. 10, Line 63] of the notification presented [a web page is being displayed, Col. 10, Line 62 – 63] in said presenting step (c).

4. **Regarding dependent claim 2,**

- The input selection information [click stream] is received from a directory server containing a database [hard disk caching] of individual content owners. [Col. 16, Line 62 – Col. 17, Line 4, 20, Fig. 1A, and 510, Fig. 5].

5. **Regarding dependent claim 3,**

- The step of initiating communication [downloads advertising files, Col. 10, Line 3 – 4] with a hosting server [ad management system, Col. 10, Line 5] to receive notifications of content to

Art Unit: 2121

be viewed from content owners [downloads advertising files originating from an ad management system, Col. 10, Line 3 – 5].

6. **Regarding dependent claim 4,**

- The notification received in said receiving step (b) [advertising files, Col. 10, Line 4] includes image data [media, Col. 10, Line 4] and an identification [URL, Col. 10, Line 16] of an associated resource containing content to be viewed corresponding to the image data [ad management system, Col. 10, Line 17].

7. **Regarding dependent claim 5,**

- The identification of an associated resource includes a uniform resource locator (URL) address of a destination resource available through the Internet [URL, to a specific ad management system, Col. 16 – 17].

8. **Regarding dependent claim 6,**

- The notification received in said receiving step (b) contains textual information [texture, Col. 12, Line 17] previewing content [advertisement, Col. 12, Line 16] to be viewed from a corresponding content owner [ad management system, Col. 12, Line 9].

9. **Regarding dependent claim 7,**

Art Unit: 2121

- Presenting step (c) includes displaying notifications received in said receiving step (b) as a plurality of individual image icons on a display window respectively corresponding to notifications received [hotlink, Col. 2, Line 13].

10. **Regarding independent claim 8,**

- A system for [method] providing notification by content owners [advertising server] desiring to provide content to a user [Col. 1, Line 23 – 28].
- A hosting module [one component], wherein said hosting module [agent] provides access channels to content owners [ad management system] desiring to provide content to users; [Col. 9, Line 66 – Col. 10, Line 9]
- A server management module [other component], wherein said server management module [other component] provides over the access channels notifications [downloaded] to users of content to be provided by content owners [advertising management system]. [Col. 10, Line 9 – 18]

11. **Regarding dependent claim 9,**

- An organizing module [agent], stores and organizes [monitor] user selections of access channels [click-stream] to be used in receiving notifications [operates the browser] from said notification server; [Col. 10, Line 36 – 37]
- A client management module [agent], initiates communication [download] with notification server [advertisement management server], and retrieves notifications over the access

Art Unit: 2121

channels selected by the user based on users selections stored by organizing module [click-stream]. [Col. 10, Line 31 – 37]

12. Regarding dependent claim 10,

- An application programmable interface (API) [agent], wherein said API outputs [plays] notifications [media files] to notification client over the access channels [through the browser]. [Col. 10, Line 1 – 10]

13. Regarding dependent claim 11,

- Data logging module collects and logs [monitors] notification interaction information [click-stream] from notification server [web page] and said notification client [user]. [Col. 10, Line 36 – 37 and 51 – 53]

14. Regarding dependent claim 12,

- Notification server [ad management server, Col. 10, Line 34], stores in database subsystem notifications [media and player files, Col. 10, Line 33] created by content owners [web content page, Col. 9, Line 53], and notification server accesses [download, Col. 32] said database subsystem [originating from, Col. 10, Line 33 – 34] when providing the notifications [fully play content, Col. 10, Line 35] to users.

15. Regarding independent claim 13,

Art Unit: 2121

- A method of receiving notification to users that have subscribed to individual wires of received blasts corresponding to the individual wires. [Col. 15, Line 48 – 64]
- The wires [channel, Col. 15, Line 59] are associated with respective content providers [server, Col. 15, Line 59].
- The blasts are notifications of the content to be provided to the users [advertising, Col. 15, Line 51] as desired by respective content providers [server, Col. 15, Line 59].
- Subscribing to one wire available [client browser, Col. 15, Line 55] for selection by a user [is used to, Col. 15, Line 57].
- When connected to an external network in the form of the Internet [networked client-server environment, Col. 15, Line 50 – 51], polling periodically one wire server resident on the external network for blasts corresponding to the subscription wire [click stream, Col. 16, Line 66 – 67], and pulling [downloads, Col. 16, Line 64] from the wire server [web pages, Col. 17, Line 1] a blast corresponding to the subscription wire [advertisements, Col. 16, Line 64];
- In a client device running a notification software application [agent, Col. 16, Line 62], offering the blast [downloads advertisements, Col. 16, Line 64] to a user on a user interface [browser, Col. 17, Line 1] of the client device [PC, Col. 16, Line 60].
- Presenting the blast as information including at least one of graphical, textual, and sensory perceptual information to be perceived by the user [audio, video and multi-media, Col. 25, Line 31 – 33]; and
- Accessing destination resource on the external network upon activating the blast offered in said offering step [begin a browsing session, Col. 19, Line 22].

Art Unit: 2121

- The blast includes a uniform resource locator (URL) address associated with destination resource [URL of that page, Col. 19, Line 30].
- Destination resource accessed in accessing step [web pages, Col. 15, Line 53] contains content desired by the content provider to be provided to the user [advertising or other information is to be presented to a user, Col. 15, Line 51 – 52].

16. **Regarding dependent claim 14,**

- Accessing a Web site on the Internet [navigation, Col. 9, Line 60] containing at least one wire [advertising tag, Col. 9, Line 65], displaying a Web page containing a wire image of the wire on a user interface [displaying advertisements, Col. 9, Line 59], and dragging and dropping the wire into a display window on the user interface [displaying advertisements, Col. 9, Line 59] by the notification software application [agent, Col. 10, Line 1].

17. **Regarding dependent claim 15,**

- The blasts are notifications in the form of previews of content on a destination resource that may be accessed by the user [advertising content from a web content page, Col. 9, Line 53].

18. **Regarding dependent claim 16,**

- Preventing the offering of blasts that have been cancelled by their associated content providers, and preventing the offering of blasts that have expired [stop event required, Fig. 18, Request AdController applet to suspend background downloading, Fig. 18].

Art Unit: 2121

19. **Regarding independent claim 17,**

- A method of receiving notification to users that have subscribed to individual wires of received blasts corresponding to the individual wires. [Col. 15, Line 48 – 64]
- The wires [channel, Col. 15, Line 59] are associated with respective content providers [server, Col. 15, Line 59].
- The blasts are notifications of the content to be provided to the users [advertising, Col. 15, Line 51] as desired by respective content providers [server, Col. 15, Line 59].
- Providing a listing of wires available to users [client browser, Col. 15, Line 55] for subscription [is used to, Col. 15, Line 57].
- Recording user requests to subscribe to individual ones of the plurality of wires, wherein the user requests include a request by a first user for subscription to the first wire [Col. 10, Line 36 – 37];
- Inputting from content providers associated with individual ones of the plurality of wires notification information of the content to be provided to users subscribing to respective wires [Col. 10, Line 3 – 6].
- Said inputting step including input by a first content provider associated with the first wire [in response to a user click-stream, Col. 10, Line 9];
- Formulating individual blasts [specific advertisement, Col. 21, Line 10] from the notification information [AdDescriptor file, Col. 21, Line 9] input by the content providers [ad management system, Col. 21, Line 9 – 10], a first blast is formulated [specific advertisement, Col. 21, Line 10] from the notification information [AdDescriptor file, Col. 21, Line 9] input

Art Unit: 2121

from the first content provider in said inputting step (c) [ad management system, Col. 21, Line 9 – 10];

- Outputting individual blasts [next successive content web page, Col. 10, Line 39 – 40] to subscribing users [client, Col. 10, Line 39] in response to requests for blast information from respective subscribing users [a user-initiated action, Col. 10, Line 38].
- Outputting step includes outputting the first blast [next successive content web page, Col. 10, Line 39 – 40] to the first user [client, Col. 10, Line 39] in response to a request from the first user for blast information [a user-initiated action, Col. 10, Line 38].

20. Regarding dependent claim 18,

- The step of classifying the wires into individual ones of categories [entries will be collectively processed, Col. 13, Line 50], and
- Providing different categories of wires to users seeking to subscribe to ones of wires. [Selection can be selected on a predefined or random basis, Col. 21, Line 9 – 21]

21. Regarding dependent claim 19,

- Storing the wires [logging advertisement, Col. 14, Line 8], and providing a search engine for displaying individual ones of the wires based on search queries issued to the search engine [highly accurate client-side accounting of each user impression, Col. 13, Line 33 – 35].

22. Regarding dependent claim 20,

Art Unit: 2121

- The notification information in the first blast [advertising content, Col. 10, Line 14 – 15] includes a uniform resource locator (URL) address of content [URL, Col. 10, Line 16] to be provided to users subscribing to the first wire [ad management system, Col. 10, Line 17].

23. **Regarding dependent claim 21,**

- URL address in the notification information in the first blast is the URL address of the content provider's Web site [an advertising tag that refers, via URL, to a specific ad management system, Col. 10, Line 16 – 17].

24. **Regarding dependent claim 22,**

URL address [URL, Col. 10, Line 16] in the notification information advertising tag, Col. 10 Line 16] in the first blast is an address of a media server [ad management system, Col. 10, Line 17] that provides streaming audio/video information [audio, video and multi-media, Col. 25, Line 31 – 33].

25. **Regarding dependent claim 23,**

- Outputting default notification information upon cancellation of the first blast by the content provider [1810 and 1850, Fig. 18].

26. **Regarding dependent claim 24,**

- Outputting default notification information upon expiration of the first blast [1810 and 1850, Fig. 18].

27. **Regarding dependent claim 25,**

- Tracking the response to blasts output to individual users respectively subscribing to individual wires [monitors a click-stream generated by a user, Col. 10, Line 36 – 37].

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reilly et al. (U.S. Patent No. 5,740,549) discloses a data server stores and updates a database of information items and advertisement, a user interface, a display device, a client computer, an information editor, a category list, information server, subscriber's interests, and a category manager. Herz (U.S. Patent No. 6,029,195) discloses a user selection, and monitoring user activities. Sutcliffe et al. (U.S. Patent No. 6,073,105) discloses a personal advertisement, a profile information, matching personal advertisements, and adtaking system. Kurtzman, II et al. (U.S. Patent No. 6,144,944) discloses selecting and providing information. Eichstaedt et al. (U.S. Patent No. 6,654,735) discloses a information retrieved in response to the queries.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunray Chang whose telephone number is 703-305-8744 or after October 12, 2004 at (571) 272-3682. The examiner can normally be reached on M-F 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (703)308-3179 or after October 12, 2004 at (571)

Art Unit: 2121

272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-3506.

Sunray Chang
Patent Examiner
Group Art Unit 2121
Technology Center 2100
U.S. Patent and Trademark Office

September 14, 2004



Anthony Knight
Supervisory Patent Examiner
Group 3600